

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BYRON MAYORGA,

Plaintiff,

- against -

ALWAYS ON TIME LOGISTICS, INC.,
and CARLOS DE MONTAGNAC,

Defendants.

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NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

WHEREAS this action was removed to this Court pursuant to 28 U.S.C. § 1441 on the basis of diversity jurisdiction, ECF Nos. 1, 2, 8;

WHEREAS the Complaint does not state a specific damages amount sought by the plaintiff, but alleges that the plaintiff sustained "serious personal injuries as defined by Section 5102 of the Law of the State of New York," Complaint ¶ 14, plaintiff "has been damaged in excess of the jurisdictional limits of all other Courts that would otherwise have jurisdiction," id. ¶ 21, and "[p]laintiff demands judgment against the [d]efendants in an amount in excess of the jurisdictional limits of all other Courts that could otherwise have jurisdiction over this matter," id. at 4;

WHEREAS this Court previously observed that these allegations are insufficient to meet the amount-in-controversy requirement and


required defendants to "provide support that the amount-in-controversy requirement has been met," ECF No. 3 at 2, 3;

WHEREAS the Amended Notice of Removal states, without evidentiary support, "defendants in this amended notice of removal hereby assert \$75,001.00 as the amount in controversy in this matter," ECF No. 8 ¶ 4;

WHEREAS the Court finds that defendants have failed to bear "the burden of demonstrating the propriety of removal," California Pub. Employees' Ret. Sys. v. WorldCom, Inc., 368 F.3d 86, 100 (2d Cir. 2004) (citations omitted); it is hereby

ORDERED that pursuant to 28 U.S.C. § 1447(c) this case is remanded to the court from which it was removed, the Supreme Court of the State of New York, Bronx County. The Clerk of Court is directed to terminate all pending motions.

Dated: New York, New York
January 3, 2025



NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE